

WHITE AND WILLIAMS LLP
 BY: John D. Balaguer
 Gregory F. Brown
 Identification No. 45108/90239
 1800 One Liberty Place
 Philadelphia, PA 19103-7395
 215.864.7000/7150

Attorneys for Defendants,
 Lydia Adair McFadden and
 Christiana Care Health Services,
 Inc. (Incorrectly identified as
 Christiana Hospital)

KIMBRA CRISWELL	PLAINTIFF
	Plaintiff,
v.	
LYDIA ADAIR McFADDEN	COURT OF COMMON PLEAS
and	MAY TERM, 2004
CHRISTIANA HOSPITAL	NO. 002750
	Defendants.

**MEMORANDUM OF LAW IN SUPPORT OF
 DEFENDANTS LYDIA ADAIR MCFADDEN AND CHRISTIANA CARE
 HEALTH SERVICES, INC.'S (INCORRECTLY IDENTIFIED AS CHRISTIANA
 HOSPITAL) PRELIMINARY OBJECTIONS TO IMPROPER PERSONAL
JURISDICTION AND VENUE**

I. INTRODUCTION

Defendants, Lydia Adair McFadden and Christiana Care Health Services, Inc. (incorrectly identified as Christiana Hospital), preliminarily object to the improper personal jurisdiction and venue of this case in the Court of Common Pleas of Philadelphia County, Pennsylvania. In short, Pennsylvania law provides no means of establishing either this Court's personal jurisdiction over Moving Defendants, or venue in Philadelphia County. Accordingly, Plaintiff's Complaint should be dismissed with prejudice.

II. BACKGROUND

Plaintiff commenced this action on or about May 19, 2004 by filing a Complaint in the Court of Common Pleas of Philadelphia County. See Complaint (Exhibit "A"). The Complaint includes allegations of negligence on the part of Lydia Adair McFadden, an x-ray technician, and her employer, Christiana Hospital. Id. at ¶¶ 2, 3, 6, and 24-29. Specifically, the Complaint states that the Defendants' negligence caused a portable x-ray machine to "be moved forward," which caused the machine to come into contact with Plaintiff's leg and foot. Id. at ¶ 8. The Complaint further alleges that the contact caused Plaintiff to suffer injuries to her left leg and foot. Id. at ¶ 11-15. All of the events described in the Complaint occurred on the second floor of Christiana Hospital in Newark, Delaware, on May 23, 2002. Id. at ¶ 8.

The Complaint alleges that Christiana Hospital is a member of the Jefferson Health System. Specifically, Paragraph seven of the Complaint contends that: "At all times material and relevant hereto, Defendant, Christiana, was a member, partner, and/or participant of Jefferson Health System, a primary care network, which at all times hereinafter mentioned, did regular, continuous, and systematic business within the County of Philadelphia and the Commonwealth of Pennsylvania." Id. at ¶ 7.

In fact, Christiana Hospital is a building owned by Christiana Care Health Services, a Delaware Corporation. See Affidavit of Buddy Elmore, Senior Vice President of Finance and Managed Care of Christiana Care Health Services, Inc., (Exhibit "B"). Importantly, Christiana Care Health Services is not a member of the Jefferson Health System, and has no contacts with the Commonwealth of Pennsylvania or with

Philadelphia County. Id. Moreover, Christiana Care does not engage in regular, continuous, and systematic business in the Commonwealth of Pennsylvania. Id. Finally, it should be reiterated that none of the events described in the Complaint occurred in Philadelphia County, or in the Commonwealth of Pennsylvania.

The Complaint also alleges that Defendant Lydia McFadden was an “employee, servant, workman, representative and/or agent of Defendant, Christiana,” and that she resided at 33 Cobblestone Court, Northeast, Maryland at the time of the events in question. Id. at ¶¶ 2, 5. The Complaint does not allege that any of the actions attributable to Defendant McFadden occurred in Philadelphia County.

The apparent basis of Plaintiff’s assertion that Pennsylvania has personal jurisdiction over Defendant Christiana Care Health Services, Inc. is its alleged affiliation with Jefferson Health System. Thus, the apparent basis of Plaintiff’s assertion that Pennsylvania has personal jurisdiction over Defendant McFadden is her alleged employment/agency relationship with Christiana Care Health Services, Inc.

For the reasons discussed below, Pennsylvania law dictates that this Court has no personal jurisdiction over Moving Defendants. Furthermore, venue is improper in Philadelphia County with respect to Moving Defendants. Accordingly, this Court should dismiss Plaintiff’s Complaint with Prejudice.

III. PENNSYLVANIA CANNOT ASSERT PERSONAL JURISDICTION OVER MOVING DEFENDANTS

Pennsylvania Rule of Civil Procedure 1028(a)(1) provides that preliminary objections may be filed on the ground that the court lacks jurisdiction over the person of the defendant. See Pa.R.C.P. 1028(a)(1). Pennsylvania’s long arm statute, 42 Pa.C.S.A.

§ 5322, describes the bases of a Pennsylvania court's personal jurisdiction over persons outside of the Commonwealth of Pennsylvania. See 42 Pa.C.S.A. § 5322. The long arm statute provides that a Pennsylvania tribunal may exercise personal jurisdiction over any person "who acts directly or by an agent, as to a cause of action or other matter arising from such person . . . transacting any business in this Commonwealth." Id. The long arm statute also provides that the following activities constitute "transacting business" for purposes of the rule:

- (1) the doing by any person in the Commonwealth of a series of similar acts for the purpose of realizing pecuniary benefit;
- (2) the doing of a single act in the Commonwealth for the purpose of realizing pecuniary benefit, or otherwise accomplishing an object with the intention of initiating a series of such acts;
- (3) the shipping of merchandise directly or indirectly into the Commonwealth;
- (4) the engaging of any business or profession within the Commonwealth;
- (5) the ownership or use of property within the Commonwealth;
- (6) contracting to supply services or things in the Commonwealth;
- (7) causing harm or tortious injury in the Commonwealth by an act or omission inside or outside of the Commonwealth; or
- (8) having an interest in, using, or possessing any real property in the Commonwealth.

See 42 Pa.C.S.A. 5322(a).

Pennsylvania common law provides that "a tribunal of this Commonwealth may exercise personal jurisdiction over a person who transacts any business in this Commonwealth." See Fidelity Leasing, Inc. v. Limestone Co. Bd. of Education, 758 A.2d 1207, 1211 (Pa. Super. 2000). However, there are limitations on a state court's jurisdictional reach: "the constitutional limitations on the assertion of specific personal

jurisdiction over a non-resident defendant are as follows: '(1) the non-resident defendant must have sufficient minimum contacts with the forum state and (2) the assertion of *in personam* jurisdiction must comport with fair play and substantial justice.'" Aventis Pasteur, Inc. v. Alden Surgical Co., Inc., 2004 Pa. Super. 138, ___ A.2d ___ (Pa. Super. 2004)(citing Burger King Corp. v. Rudzewicz, 471 U.S. 462 (1985)).

Furthermore, the United States Supreme Court has held that a state's exercise of personal jurisdiction over an out-of-state defendant is proper only where:

the defendant could reasonably anticipate being called to defend itself in the forum . . . Random, fortuitous[,] and attenuated contacts cannot reasonably notify a party that it may be called to defend itself in a foreign forum, and thus, cannot support the exercise of personal jurisdiction. That is, the defendant must have purposefully directed its activities to the forum and conducted itself in a manner indicating that it has availed itself of the forum's privileges and benefits such that it should also be subjected to the forum state's laws.

Id. (quoting Burger King, 471 U.S. at 281).

In this case, the Commonwealth of Pennsylvania does not have personal jurisdiction over Christiana Care Health Services, Inc. Specifically, Christiana Care Health Services, Inc., does not conduct business in the Commonwealth of Pennsylvania in any of the ways set forth in 42 Pa.C.S.A. § 5322(a). See Exhibit "B." Moreover, Christiana Care Health Services, Inc., cannot be subject to Pennsylvania's jurisdiction because it does not have the sufficient minimum contacts with the Commonwealth necessary to establish jurisdiction. Consequently, Pennsylvania's assertion of personal jurisdiction over Christiana Care Health Services, Inc. in this matter would be contrary to Pennsylvania statutory and common law, as well as United States Supreme Court doctrine.

If personal jurisdiction is improper with regard to Christiana Care Health Services, it is also improper with regard to Lydia Adair McFadden for two reasons. First, Defendant McFadden is an individual who resides in the State of Maryland, and all actions attributed to her in the Complaint occurred at Christiana Hospital in Newark, Delaware. See Complaint at ¶¶ 2, 5. Second, Plaintiff's theory of personal jurisdiction with regard to Defendant McFadden is apparently based upon her alleged employment/agency relationship with Christiana Care Health Services, Inc., over which Pennsylvania's assertion of personal jurisdiction would be improper. Thus, Defendant McFadden cannot be independently subject to Pennsylvania's jurisdiction because she does not have the sufficient minimum contacts with the Commonwealth necessary to establish jurisdiction.

In sum, Plaintiff's Complaint should be dismissed because no Pennsylvania tribunal, including this Court, can properly assert personal jurisdiction over Christiana Care Health Services, Inc. or Lydia Adair McFadden.

IV. VENUE IS IMPROPER IN PHILADELPHIA COUNTY

Pennsylvania Rule of Civil Procedure 1006(e) provides that the issue of improper venue should be raised by preliminary objection, and if not so raised, shall be waived. See Pa.R.C.P. 1006(e). Also, Pennsylvania Rule of Civil Procedure 1028(a)(1) provides that “[p]reliminary objections may be filed by any party to any pleading and are limited to the following grounds[, including] . . . improper venue.” See Pa.R.C.P. 1028(a)(1).

Pennsylvania Rule of Civil Procedure 1006 governs venue generally, and provides that “[a]ctions against the following defendants . . . may be brought in and only in the counties designated by the following rules: . . . corporations and similar entities,

Rule 2179." See Pa.R.C.P. 1006(b). Pennsylvania Rule of Civil Procedure 2179(a), in turn, provides that "a personal action against a corporation or similar entity may be brought in and only in (1) the county where its registered office or principal place of business is located; (2) a county where it regularly conducts business; (3) the county where the cause of action arose; or (4) a county where a transaction or occurrence took place out of which the cause of action arose." See Pa.R.C.P. 2179(a).

This action involves a claim by Plaintiff, an individual, against Christiana Care Health Services, Inc., a corporation. Thus, Pennsylvania Rule of Civil Procedure 2179 is applicable to the determination of venue in this case with regard to Defendant Christiana.

Rule 2179(a) dictates that venue is improper in Philadelphia County, Pennsylvania, because this action does not conform with any of the four means of establishing venue under the rule. First, Philadelphia County is not the county in which Christiana Care Health Services, Inc.'s registered office is located. See Exhibit "B." Second, Philadelphia County is not a county where Christiana Care Health Services, Inc. regularly conducts business. Id. Third, Philadelphia County is not the county where Plaintiff's cause of action arose. According to the Complaint, the cause of action arises solely from events that occurred in Newark, Delaware. Finally, Philadelphia County is not a county where a transaction or occurrence took place out of which Plaintiff's cause of action arises. Consequently, venue is improper in Philadelphia County with regard to Defendant Christiana Care Health Services, Inc.

This case also involves a claim against Lydia Adair McFadden, an individual. The venue rule applicable to individual defendants is Pennsylvania Rule of Civil

Procedure 1006(a). See Pa.R.C.P. 1006(a). Pennsylvania Rule of Civil Procedure 1006(a) provides that “an action against an individual may be brought in and only in a county in which the individual may be served or in which the cause of action arose or where a transaction or occurrence took place out of which the cause of action arose or in any other county authorized by law. Id.

The Complaint alleges that Defendant McFadden resides in Maryland, and does not assert that she can be served anywhere in Philadelphia County. Also, the cause of action against Defendant McFadden arises solely from events that occurred in Newark, Delaware. Accordingly, Rule 1006(a) dictates that venue is improper in Philadelphia County with respect to Plaintiff’s claims against Defendant McFadden.

In sum, under the Pennsylvania Rules of Civil Procedure, Philadelphia County is not the proper venue of this case, and Plaintiff’s Complaint should be dismissed with prejudice.

V. **CONCLUSION**

For the reasons discussed above, Moving Defendants Lydia Adair McFadden and Christiana Care Health Services, Inc., respectfully request this Honorable Court to grant their Preliminary Objections to Personal Jurisdiction and Venue, and to dismiss

Plaintiff's action with prejudice.

Respectfully submitted,

WHITE AND WILLIAMS LLP

By:


John D. Balaguer, Esquire
Gregory F. Brown, Esquire
Lydia Adair McFadden and
Christiana Care Health Services, Inc.
(Incorrectly Identified as Christiana
Hospital)

Dated: June 11, 2004

WHITE AND WILLIAMS LLP
 BY: John D. Balaguer
 Gregory F. Brown
 Identification No. 45108/90239
 1800 One Liberty Place
 Philadelphia, PA 19103-7395
 215.864.7000/7150

Attorneys for Defendants,
 Lydia Adair McFadden and
 Christiana Care Health Services,
 Inc. (Incorrectly identified as
 Christiana Hospital)

KIMBRA CRISWELL

Plaintiff,

v.

LYDIA ADAIR McFADDEN
 and

CHRISTIANA HOSPITAL

Defendants.

PHILADELPHIA COUNTY
 COURT OF COMMON PLEAS
 MAY TERM, 2004
 NO. 002750

CERTIFICATE OF SERVICE

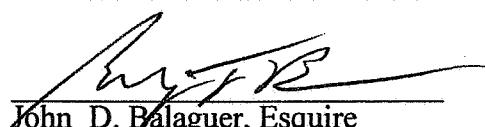
I, Gregory F. Brown, Esquire, hereby state that on this date I have caused a true and correct copy of the foregoing Preliminary Objections to Improper Personal Jurisdiction and Venue to be served on the following counsel via U.S. First Class mail, on June 11, 2004:

Nelson Levin, Esquire
KATS, JAMISON, VAN DER VEEN & ASSOCIATES
 25 Bustleton Pike
 Feasterville, PA 19053

Respectfully submitted,

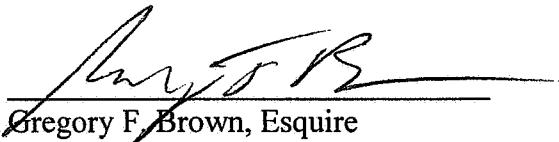
WHITE AND WILLIAMS LLP

By:


 John D. Balaguer, Esquire
 Gregory F. Brown, Esquire
 Lydia Adair McFadden and
 Christiana Care Health Services, Inc.
 (Incorrectly Identified as Christiana
 Hospital)

VERIFICATION

I, Gregory F. Brown, Esquire, duly depose and state that I am counsel for Defendants Lydia Adair McFadden and Christiana Care Health Services, Inc. (Incorrectly identified as Christiana Hospital) in the foregoing matter. I have read the foregoing Preliminary Objections to Improper Personal Jurisdiction and Venue and state that the facts contained therein are true and correct to the best of my knowledge, information and belief. I make these statements subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.



Gregory F. Brown, Esquire

Date: June 11, 2004

EXHIBIT A

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NO.281 0284

Court of Common Pleas of Philadelphia County
Trial Division
Civil Cover Sheet

PLAINTIFF'S NAME Kimbra Criswell		DEFENDANT'S NAME Lydia Adair McFadden	
PLAINTIFF'S ADDRESS 105 Shaw Ave. PA Lewisburg, PA 17044		DEFENDANT'S ADDRESS 33 Cobblestone Court Northeast, MD 21901	
PLAINTIFF'S NAME		DEFENDANT'S NAME Christiana Hospital	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS 4735 Oglestown-Scanton Rd. Newark, DE 19718	
PLAINTIFF'S NAME		DEFENDANT'S NAME	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS	
TOTAL NUMBER OF PLAINTIFFS	TOTAL NO. OF DEFENDANTS	COMMENCEMENT OF ACTION	
1	2	<input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Writ of Summons	<input type="checkbox"/> Petition Action Transfer From Other Jurisdiction
AMOUNT IN CONTROVERSY \$100000 or less Over \$100,000.00	COURT PROGRAMS <input checked="" type="checkbox"/> Arbitration <input checked="" type="checkbox"/> Jury <input type="checkbox"/> Non-Jury <input type="checkbox"/> Other	<input type="checkbox"/> Miss Trial Summary Action <input type="checkbox"/> Petition	<input type="checkbox"/> Conference Minor Court Appeal Summary Appeal
CASE TYPE AND CODE (SEE INSTRUCTIONS) 20			
STATUTORY BARS FOR CAUSE OF ACTION (SEE INSTRUCTIONS)			
RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER)		IS CASE SUBJECT TO COCONVENTION ORDER? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
NAME OF PLAINTIFF'S ATTORNEY Michael T. van der Veen		ADDRESS (SEE INSTRUCTIONS) 29 Bustleton Pike Fetterville, PA 19053	
PHONE NUMBER (215) 396-9001		FAX NUMBER (215) 396-8388	
SUPREME COURT IDENTIFICATION NO. 75616		EMAIL ADDRESS	
SIGNATURE <i>MTV</i>		DATE 5/24/04	

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NO. 281 0005

**This NOT an Arbitration Matter
JURY TRIAL IS DEMANDED**

KATS, JAMISON, VAN DER VEEN & ASSOCIATES
MICHAEL T. VAN DER VEEN, ESQUIRE
 Identification No. 75616
NELSON LEVIN, ESQUIRE
 Identification No. 49761
 25 Buckleup Pike
 Feasterville, PA 19053
 (215) 396-2001

Attorney for Plaintiff

KIMBRA CRISWELL
 105 Shaw Avenue, Apt. A
 Lewistown, Pennsylvania 17044
 Plaintiff

**COURT OF COMMON PLEAS
PHILADELPHIA COUNTY**

MAY TERM, 2004

Docket No. _____

vs.
LYDIA ADAIR MCFADDEN
 33 Cobblestone Court
 Northeast, Maryland 21901
 and
CHRISTIANA HOSPITAL
 1755 Ogletown-Stanton Road
 Newark, Delaware 19718
 Defendants.

CIVIL ACTION-LAW

Complaint Civil Action: 20 - Other Personal Injury

1. Plaintiff, Kimbra Criswell, (hereinafter "Plaintiff") is an adult individual, residing at 105 Shaw Avenue, Apt. A, in Lewistown, Pennsylvania.
2. Defendant, Lydia Adair McFadden (hereinafter "McFadden"), is an adult individual residing at 33 Cobblestone Court, in Northeast, Maryland.
3. Defendant, Christian Hospital (hereinafter "Christiana"), is a business, company, entity, partnership, franchise, fictitious name, organization, hospital, medical facility and/ or corporation existing and/or qualifying under the laws of the State of

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NO. 281 0206

Delaware, with a registered office for the acceptance of service or a principal place of business at 4755 Ogletown-Stanton Road, in Newark, Delaware.

4. At all times relevant and material hereto, the Plaintiff was employed by Aureus Medical (hereinafter "Aureus"), working as an x-ray technician at Defendant Christiana Hospital.

5. At all times relevant and material hereto, Defendant, McFadden, was an employee, servant, workman, representative and/ or agent of Defendant, Christiana, and was acting within the scope and course of said employment and/ or agency.

6. At all times material and relevant hereto, Defendant, Christiana, was acting through their agents, servants, employees, workmen, and/ or representatives, said agents, servants, employees, workmen and representatives acting within the course and scope of their employment and/ or agency.

7. At all times material and relevant hereto, Defendant, Christiana, was a member, partner and/ or participant of Jefferson Health System, a primary care network, which at all times hereinafter mentioned, did regular, continuous and systematic business within the County of Philadelphia and Commonwealth of Pennsylvania.

8. On or about May 23, 2002, at or around 9:30 am, the Plaintiff was present in the hallway of the operating room, on the second floor of Defendant, Christiana, when suddenly and without warning, Defendant, McFadden, negligently, recklessly, carelessly and improperly caused certain portable X-ray machine (hereinafter "Machine") to be moved forward, causing said machine to come into contact with the Plaintiff's body, thereby causing the Plaintiff to suffer severe and grievous injuries.

9. At all times relevant and material hereto, said Machine was owned, operated, maintained, leased and/ or controlled by Defendant, Christiana.

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NO. 281 D207

10. This accident resulted solely from the negligence and carelessness of the Defendants, and was due in no manner whatsoever to any act or failure to act on the part of the Plaintiff.

11. As a direct and proximate result of this accident, the Plaintiff, suffered injuries to her left leg and foot, which may be or are serious and permanent, including, but not limited to left Achilles tendon rupture, Achilles tendinitis, Achilles tendosnosis, and abnormal gait, requiring hospitalization.

12. As a direct, proximate and foreseeable result of said injuries, the Plaintiff has developed various medical conditions, including but not limited to osteopenia and permanent reflex sympathetic dystrophy (hereinafter "RSD"), which resulted in softening and demineralization of bones in the Plaintiff's left foot, thereby making said bones easily breakable.

13. In November of 2002, the Plaintiff made a step from a normal-size curb which resulted in injuries, which may be or are serious and permanent, including, but not limited to a fracture in the fourth metatarsal of the Plaintiff's left foot, requiring hospitalization.

14. Said fracture was a direct, proximate and foreseeable result of said RSD condition and RSD-related softening and demineralization of bones and said fracture could not have occurred but for said RSD condition and RSD-related softening and demineralization of bones.

15. Said Achilles tendon rupture, RSD and fracture did not result from any intervening or superseding causes and was due in no manner whatsoever to any act or failure to act on the part of the Plaintiff.

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NO. 261 0028

16. At all times relevant and material hereto, the Plaintiff timely obtained adequate medical assistance and fully complied with all prescribed medical treatments.

17. As a direct and proximate result of the aforesaid accident and injuries, the Plaintiff has incurred expenses for the treatment of her injuries, has been disabled and not able to perform her usual functions, and has been caused great pain and suffering, to her great loss and damage.

18. As a direct and proximate result of the aforesaid accident and injuries, the Plaintiff has been obligated to receive and undergo medical attention and care for her injuries, and to incur various expenses for said care.

19. As a direct and proximate result of the aforesaid accident and injuries, the Plaintiff has suffered injuries, which may be in full or part a cosmetic disfigurement which is or may be permanent, irreparable, or severe.

20. As a direct and proximate result of the aforesaid accident and injuries, the Plaintiff has or may suffer severe loss and impairment of her earning capacity and power.

21. As a direct and proximate result of the aforesaid accident and injuries, the Plaintiff has been unable to attend to her daily chores, duties and occupations.

22. As a direct and proximate result of the aforesaid accident and injuries, the Plaintiff has incurred other financial expenses or losses which she may otherwise be entitled to recover.

23. As a direct and proximate result of the aforesaid accident and injuries, the Plaintiff has suffered severe physical pain, aches, mental anguish, humiliation and inconveniences, and loss of life's pleasures and she may continue to suffer the same for an indefinite period of time in the future.

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NO. 281 0409

COUNT I
PLAINTIFF v. DEFENDANT MCFADDEN

24. The Plaintiff incorporates by reference thereto, paragraphs 1-23, inclusive, as though same were set forth herein at length.

25. The negligence, carelessness and recklessness of Defendant, McFadden, consisted of the following acts and omissions:

- (a) failure to properly move said Machine;
- (b) moving said Machine without proper lookout;
- (c) violation and/ or failure to comply with the appropriate procedures for moving of said Machine;
- (d) causing said Machine to come into contact with the Plaintiff's body;
- (e) failure to properly operate, control and move said Machine;
- (f) failure to act reasonably under the circumstances;
- (g) failure to act with the reasonable prudence and care of a reasonable person in the same or like circumstances;
- (h) operating, controlling and moving said Machine without due regard to the presence and safety of the Plaintiff;
- (i) violation and/ or failing to comply with laws, guidelines, codes, statutes, laws, regulations, standards, policies and ordinances that are applicable and in effect; and
- (j) being otherwise negligent and careless as may be determined through discovery and/ or trial of this case.

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NO. 281 0010

26. As a direct and proximate result of the negligence and carelessness of Defendant, McFadden, the Plaintiff sustained serious and permanent injuries and other damages as described more fully above.

WHEREFORE, the Plaintiff demands damages of Defendant, McFadden, in a sum in excess of \$50,000.00, plus interest, costs and attorney's fees.

COUNT II
PLAINTIFF v. DEFENDANT CHRISTIANA

27. The Plaintiff incorporates by reference thereto, paragraphs 1-26, inclusive, as though same were set forth herein at length.

28. The negligence, carelessness and recklessness of Defendant, Christiana, consisted of the following acts and omissions:

- (a) negligently entrusting said Machine to Defendant, McFadden;
- (b) failing to properly and adequately hire, supervise, train, instruct, and/or regulate its agents, servants and employees, in particular, Defendant, McFadden;
- (c) permitting an inexperienced and incompetent person to operate said Machine;
- (d) failing to act with due care and regard for the position and safety of others, in particular, the Plaintiff;
- (e) failing to control the acts and conduct of Defendant, McFadden, its employee and/or agent, and instead, acquiescing in said Defendant's negligence and carelessness;
- (f) failing to provide a safe work environment;
- (g) failing to properly and adequately maintain said Machine; and

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NO. 291 0011

(b) such other negligence acts and/or failures to act as may be discovered during the course of discovery in this action;

29. As a direct and proximate result of the negligence and carelessness of Defendant, Christians, the Plaintiff sustained serious and permanent injuries and other damages as described more fully above.

WHEREFORE, the Plaintiff demands damages of Defendant, Christians, in a sum in excess of \$50,000.00, plus interest, costs and attorney's fees.

COUNT III
PLAINTIFF v. DEFENDANT CHRISTIANA

30. The Plaintiff incorporates by reference thereto, paragraphs 1-32, inclusive, as though same were set forth herein at length.

31. The negligence and/or carelessness of Defendant, Christians, agents, servants, workmen, drivers, employees, representatives, managers and/or independent contractors, in particular, Defendant, McFadden, which occurred within the course and scope of employment and/or agency with Defendant, Christians, is imputed to said Defendant and said Defendant is liable for same.

32. As a direct and proximate result of the negligence and carelessness of Defendant, Christians, the Plaintiff sustained serious and permanent injuries and other damages as described more fully above.

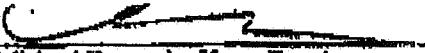
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NO. 281 7812

WHEREFORE, the Plaintiff demands damages of Defendant, Christiana, in a sum in excess of \$50,000.00, plus interest, costs and attorney's fees.

- KATS, JAMISON, VAN DER VEEN & ASSOCIATES

Dated: 5/19/04

By: 

Michael T. van der Veen, Esquire
Nelson Levin, Esquire
Attorneys for Plaintiff

05/24/2004

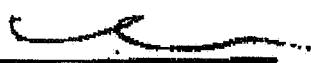
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NO. 281 0813

VERIFICATION

I, Nelson Levin, hereby state that I am the attorney for the plaintiff herein, that I am acquainted with the facts set forth in the foregoing Complaint and that the same are true and correct to the best of my knowledge, information and belief and that this statement is made subject to the penalties of 18 Pa. C.S. 4904 relating to perjury or falsification to authorities.



Michael T. van der Veen, Esquire
Nelson Levin, Esquire
Attorneys for Plaintiff

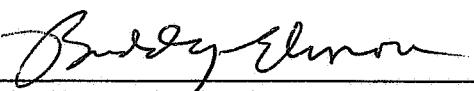
EXHIBIT B

AFFIDAVIT OF CHRISTIANA CARE HEALTH SERVICES, INC.

I, Buddy Elmore, Senior Vice President of Finance and Managed Care of Christiana Care Health Services, Inc., state that I am the corporate designee of Christiana Care Health Services, Inc., and hereby affirm the following:

1. Christiana Hospital is owned and operated by Christiana Care Health Services, Inc.;
2. Christiana Care Health Services, Inc. is a corporation incorporated in and doing business in the state of Delaware;
3. Christiana Care Health Services, Inc. is not incorporated in the Commonwealth of Pennsylvania;
4. Christiana Care Health Services, Inc. does not engage in regular, continuous, and systematic business in either Philadelphia County, Pennsylvania, or in the Commonwealth of Pennsylvania;
5. Christiana Care Health Services, Inc. does not have a registered office in Philadelphia County, Pennsylvania, or the Commonwealth of Pennsylvania;
6. Christiana Care Health Services, Inc. is not a member, partner, and/or participant of the Jefferson Health System.

I make this statement with the knowledge of the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.



 Buddy Elmore, Senior Vice President

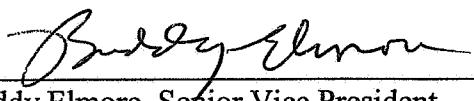
Dated: June 9th, 2004

AFFIDAVIT OF CHRISTIANA CARE HEALTH SERVICES, INC.

I, Buddy Elmore, Senior Vice President of Finance and Managed Care of Christiana Care Health Services, Inc., state that I am the corporate designee of Christiana Care Health Services, Inc., and hereby affirm the following:

1. Christiana Hospital is owned and operated by Christiana Care Health Services, Inc.;
2. Christiana Care Health Services, Inc. is a corporation incorporated in and doing business in the state of Delaware;
3. Christiana Care Health Services, Inc. is not incorporated in the Commonwealth of Pennsylvania;
4. Christiana Care Health Services, Inc. does not engage in regular, continuous, and systematic business in either Philadelphia County, Pennsylvania, or in the Commonwealth of Pennsylvania;
5. Christiana Care Health Services, Inc. does not have a registered office in Philadelphia County, Pennsylvania, or the Commonwealth of Pennsylvania;
6. Christiana Care Health Services, Inc. is not a member, partner, and/or participant of the Jefferson Health System.

I make this statement with the knowledge of the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.



Buddy Elmore, Senior Vice President

Dated: June 9th, 2004

KATS, JAMISON, VAN DER VEEN & ASSOCIATES
MICHAEL T. VAN DER VEEN, ESQUIRE
Identification No. 75616
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Identification No. 49761
25 Bustleton Pike
Feasterville, PA 19053
(215) 396-9001

Attorneys for Plaintiff

KIMBRA CRISWELL	:	COURT OF COMMON PLEAS
	:	PHILADELPHIA COUNTY
	:	MAY TERM, 2004
Plaintiff,	:	
vs.	:	
LYDIA ADAIR MCFADDEN	:	Docket No. 002750
and	:	
CHRISTIANA HOSPITAL	:	
Defendants.	:	CIVIL ACTION - LAW
	:	

**PLAINTIFF, KIMBRA CRISWELL'S RESPONSE TO DEFENDANTS PRELIMINARY
 OBJECTIONS TO IMPROPER PERSONAL
 JURISDICTION AND VENUE**

Plaintiff, by and through her attorneys, Kats Jamison van der Veen and Associates, responds to Defendants' Preliminary Objections to Improper Personal Jurisdiction and Venue as follows:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted.
6. Admitted.

7. Denied. *See* Christiana's website dated 7/11/02, indicating that CCHS-Christian Hospital is JHS, Jefferson Health System Member Organization, and several current business listings indicating the existence of corporation, **Christiana Care Health System/Jefferson Health System Alliance, LLC** with a corporate address in Radnor, PA., all attached hereto as Exhibit "A". Discovery is necessary to determine the nature of the legal entity known as Christiana Care Health System/Jefferson Health System Alliance, LLC at the time that the Plaintiff was injured. Plaintiff admits that an affidavit has been filed with Defendants' Preliminary Objections that states the alleged present legal status of Christiana Care Health Services, Inc., but it does not address the status of that entity at the time of Plaintiff's injuries, nor is it consistent with the existence of Christiana Care Health System/Jefferson Health System Alliance, LLC.

8. Denied. CCHS owns Mid-Atlantic Health Plan and directs its members to Philadelphia physicians, which furthers CCH's goal of providing its member patients/subscribers medical care in Philadelphia. *See* Exhibit "B". By way of further response, discovery is necessary to determine the nature of Defendant's business activities within the Commonwealth of Pennsylvania.

9. Denied. *See* Plaintiff's response to paragraph 7 and Exhibit "A". Discovery is necessary to determine the legal relationship between Defendant and Jefferson Health System, both now and at the time of Plaintiff's injuries.

10. Admitted.

11. Admitted.

12. Admitted.

13. Admitted.

14. Admitted.

15. Admitted.

16. Admitted. In fact, moving Defendant transacts business in Pennsylvania through Mid-Atlantic Health Plan and has corporate offices within the Commonwealth, while doing business as Christiana Care Health System/Jefferson Health System Alliance, LLC. *See* Exhibits "A" and "B".

17. Admitted. *See* Plaintiff's response to paragraph 16.

18. Denied as a legal conclusion.

19. Denied as a legal conclusion.

20. Denied. *See* Plaintiff's response to paragraphs 7, 8, 9, 16 and Exhibits "A" and "B". By way of further response, discovery is necessary to determine the nature and extent to which Defendant Christiana Care Health Systems engaged in the operation of its business in Pennsylvania at the time of Plaintiff's injuries.

21. Denied. *See* Plaintiff's response to paragraphs 7, 8, 9, 16 and 17 and Exhibits "A" and "B". By way of further response, discovery is necessary to determine whether Defendant engaged in regular, continuous and systematic business in Pennsylvania at the time of Plaintiff's injuries.

22. Denied. *See* Plaintiff's response to paragraphs 7, 8, 9, 16 and Exhibits "A" and "B". By way of further response, discovery is necessary to determine whether Defendant had sufficient minimum contacts with Pennsylvania at the time of Plaintiff's injuries.

23. Denied as a legal conclusion.

24. Admitted.
25. Denied as a legal conclusion.
26. Denied as a legal conclusion.
27. Denied. *See Plaintiff's response to paragraphs 7, 8, 9, 16 and Exhibits "A" and "B".*
28. Denied. *See Plaintiff's response to paragraphs 7, 8, 9, 16 and Exhibits "A" and "B".*
29. Admitted.
30. Admitted.
31. Admitted.
32. Admitted.
33. Denied as a legal conclusion.
34. Denied. *See Plaintiff's response to paragraphs 7, 8, 9, 16 and Exhibits "A" and "B".* By way of further response, discovery is necessary to determine whether Defendant regularly conducted business in Philadelphia County at the time of Plaintiff's injuries.
35. Admitted that the occurrence took place outside of Philadelphia County. Denied that venue is improper. *See Plaintiff's response to paragraphs 7, 8, 9, 16 and Exhibits "A" and "B".*
36. Denied as a legal conclusion.
37. Denied. *See Plaintiff's response to paragraphs 7, 8, 9, 16 and 17 and Exhibits "A" and "B".* By way of further response, discovery is necessary to determine whether venue is

proper in Philadelphia County based on the relationship of Defendant to Philadelphia County at the time of her injuries.

38. Admitted.

39. Admitted.

40. Denied as a legal conclusion.

41. Denied. *See* Plaintiff's response to paragraphs 1 through 40 and Exhibits "A" and "B".

WHEREFORE, Plaintiff respectfully requests this Honorable Court to deny Defendant's Preliminary Objections to Improper Jurisdiction and Venue or in the alternative, order that discovery, limited to the issues of jurisdiction and venue, be conducted.

Respectfully submitted,
Kats, Jamison, van der Veen and Associates

By:



Michael T. van der Veen
Nelson Levin
Attorneys for Plaintiff

KATS, JAMISON, VAN DER VEEN & ASSOCIATES
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CHRISTIANA HOSPITAL	:	
	:	
Defendants.	:	CIVIL ACTION - LAW
	:	

**PLAINTIFF'S MEMORANDUM OF LAW IN OPPOSITION TO
DEFENDANT'S PRELIMINARY OBJECTIONS TO IMPROPER
PERSONAL JURISDICTION AND VENUE**

I. INTRODUCTION.

Defendants have filed Preliminary Objections to Improper Personal Jurisdiction and Venue based on a claim in their writings and a supporting Affidavit that Defendant Christiana Care Health System, Inc., hereinafter CCHS, does not currently conduct regular and continuous business within the County of Philadelphia and the Commonwealth of Pennsylvania. Defendant makes no claim in their pleadings or Affidavit that Defendant did not conduct regular and continuous business in the County of Philadelphia and the Commonwealth of Pennsylvania at the time the Plaintiff was injured by Defendant's negligence.

Because Defendants have not timely filed Preliminary Objections regarding jurisdiction

and venue directed to the time of Plaintiff's injuries, they have waived any objections to improper jurisdiction and venue. As a result, Defendants' preliminary objections should be denied.

In the alternative, Plaintiff's Complaint states facts sufficient to make a showing of proper jurisdiction and venue in Philadelphia County. At a minimum, Plaintiff should be allowed limited discovery on the issue of jurisdiction and venue.

II. STATEMENT OF FACTS.

On May 19, 2004, Plaintiff filed this cause of action against Defendants claiming that on May 23, 2004, the Defendant, McFadden, while acting in the course and scope of her employment and as an agent of Defendant CCHS, negligently caused severe injuries to the Plaintiff by striking her in the left leg, ankle and foot with a portable x-ray machine. Plaintiff further alleged that the Defendant was part of the Jefferson Health System at the time of her injuries and was engaged in continuous and regular course of business in the County of Philadelphia at the time of her injuries. Defendant has filed these preliminary objections based on Defendant's current status regarding conducting business in the County of Philadelphia and the Commonwealth of Pennsylvania.

III. ARGUMENT.

Defendant alleges through the Affidavit of Buddy Elmore that Defendant is currently not a partner participant member of Jefferson Health System. Rules of jurisdiction and venue apply to the time of the incident, as well as to the time of the filing of the lawsuit. That is, if jurisdiction and venue are appropriate at either time, the case should be allowed to go forward. See Fields vs. Ramada Inn Inc., 816 F. Supp. 1033(E.D. Pa. 1993). According to Jefferson

Health System website dated 7/11/02, Defendant Christiana Hospital was a Jefferson Health System allied hospital. See Exhibit "A", Page 2. Most significantly, the corporate entity "**Christiana Care Health System/Jefferson Health System Alliance, LLC**" currently maintains a corporate address at 259 N. Radnor-Chester Road, Radnor, PA 19087. *See Exhibit "A", Page 3.* Curiously, 259 N. Radnor-Chester Road, Suite 290, Radnor, PA is the same address that Jefferson Health System lists as their own corporate address. Also, JHS's own website currently lists CCHS as a strategic alliance partner. *See Exhibit "A".* Accordingly, , Christiana Care Health System/Jefferson Health System Alliance, LLC maintained a business relationship and a corporate address in this Commonwealth both now and at the time of Plaintiff's injury and Complaint. This raises conflicting issues of fact when viewed against the Affidavit of Buddy Elmore, who affirms *inter alia* that Christiana Care Health Services **does not have a registered office in the Commonwealth of Pennsylvania** and is **not a member of Jefferson Health System**. At the very least, Plaintiff should be permitted to conduct discovery to address these factual disputes and determine the legal relationship between Defendant and Jefferson Health System both now and at the time of Plaintiff's injuries.

The lynchpin of Defendant's argument is that it does not engage/transact business in Pennsylvania so that this Court lacks jurisdiction pursuant to Pennsylvania's Long Arm Statute, 42 Pa. C.S.A. §5322. Defendant owns Mid-Atlantic Health Plan, a managed care plan. *See Exhibit "B".* Remarkably, Christiana's/Mid-Atlantic's web page directs it's patients to locate

physicians in Philadelphia. In fact, Defendant directs its patients to over 100 physicians in Pennsylvania, several of whom have offices in Philadelphia. *See Exhibit "B".*

It is critical for the Court to note that this is just not a mere passive web site providing information to patients. Rather, it is Defendant making medical care available to patients/subscribers **not in Delaware**, but in Philadelphia County and in Pennsylvania.

It is evident that Defendant's objective is to provide services to its patients/subscribers at medical offices in Philadelphia County and in Pennsylvania. Simply stated, jurisdiction and venue is premised on medical services provided at offices located in Philadelphia. These business contacts go far further than the rotation of medical students to Christiana Hospital from Philadelphia County medical schools or advertising in Philadelphia Yellow Pages.

Plaintiff asks, albeit rhetorically, how Defendant can claim lack of reasonable notification that it may be called to defend itself in Philadelphia County and Pennsylvania when it directs its patients/subscribers to seek medical treatment at over 100 physician's offices in the Commonwealth and several in Philadelphia alone. Accordingly, on its face Plaintiff's Complaint states a proper claim for jurisdiction and venue.

At the very least, dismissal at this juncture is premature because Plaintiff has not had the opportunity to conduct discovery regarding Defendant's relationship both now and at the time of the incident with Jefferson Health Systems, Christiana Care Health Systems/Jefferson Health Systems Alliance, LLC and the nature of Defendant's business activities within the Commonwealth and Philadelphia through Mid-Atlantic Health Plan. When there are controverted facts as to venue, discovery should be taken to provide the trial court with a basis upon which to rest a decision on venue. Hamre v. Resnick, 486 A.2d 510 (Pa. Super. 1984),

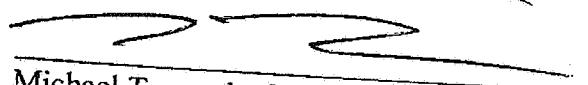
Kubik v. Route 252, Inc. t/a Alberto's Newtown Squire, 762 A.2d 1119 (Pa. Super. 2000).

WHEREFORE, Plaintiff respectfully requests this Honorable Court deny Defendant Preliminary Objections as to Venue and Jurisdiction or, alternatively, allow Plaintiff sixty (60) days to conduct discovery limited to the issues of jurisdiction and venue before ruling on Defendant's Preliminary Objections.

Kats, Jamison, van der Veen & Associates

Dated: 7/1/04

By:


Michael T. van der Veen, Esquire
Nelson Levin, Esquire
Attorneys for Plaintiffs

KATS, JAMISON, VAN DER VEEN & ASSOCIATES
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Attorneys for Plaintiff

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LYDIA ADAIR MCFADDEN	:	MAY TERM, 2004
and	:	
CHRISTIANA HOSPITAL	:	
Defendants.	:	Docket No. 002750
	:	
	:	CIVIL ACTION - LAW
	:	

VERIFICATION

I, Nelson Levin, hereby state that I am the attorney for the Plaintiff, Kimbra Criswell, in the foregoing matter. I have read the foregoing Plaintiff's Response to Preliminary Objections and state the facts contained therein are true and correct to the best of my knowledge, information and belief. I make these statements subject to the penalties of 18 Pa. C.S.A. 4904 relating to unsworn falsification to authorities.

Dated: 7/1/04


NELSON LEVIN, ESQUIRE
Attorney for Plaintiff

KATS, JAMISON, VAN DER VEEN & ASSOCIATES
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Attorneys for Plaintiff

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and	:	
CHRISTIANA HOSPITAL	:	
Defendants.	:	CIVIL ACTION – LAW
	:	

CERTIFICATE OF SERVICE

I, NELSON LEVIN, ESQUIRE, do hereby certify that on this date I have caused a true and correct copy of the foregoing Plaintiff's Response to Preliminary Objections to be served on the following counsel *via* U.S. First Class Mail on July 1, 2004:

Gregory F. Brown, Esquire
WHITE & WILLIAMS
1800 One Liberty Place
Philadelphia, PA 19103

Kats, Jamison, van der Veen & Associates

Dated: 7/1/04

By:


Nelson Levin, Esquire
Attorney for Plaintiff



Albert Einstein Healthcare Network

Frankford Hospitals

Magee Rehab

Main Line Health

Thomas Jefferson University Hospital

About Us System Members

System News

About the System

Annual Reports

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Employment

Jefferson Health System (JHS), formed in 1996, now includes Thomas Jefferson University Hospital (TJUH), Methodist Hospital Division of TJUH, Bryn Mawr Hospital, Lankenau Hospital and Paoli Memorial Hospital; Bryn Mawr Rehab; Jefferson HealthCARE Physicians, a primary care network that includes such organizations as Great Valley Health in the Main Line area; JeffCARE, a Physician Hospital Organization; Jefferson Home Care; Albert Einstein Medical Center; Germantown Community Health Services; MossRehab; Willowcrest (a center for subacute care); Willow Terrace at Germantown (a long-term care facility) and Belmont Behavioral Health. Einstein also operates a number of outpatient and satellite locations and a primary care network, Einstein Neighborhood Healthcare.

Frankford Hospital includes three community teaching hospitals, the Frankford, Torresdale and Bucks campuses; three additional outpatient sites and Frankford Health Care Network Physician Services. Magee Rehabilitation Hospital completes the group.

Joseph T. Sebastianelli Named President of Jefferson Health System

(Published 1-22-2002) Health-care leader and innovator Joseph T. Sebastianelli has been selected as the new President and Chief Executive Officer of the Jefferson Health System (JHS), headquartered in Radnor, Pa.

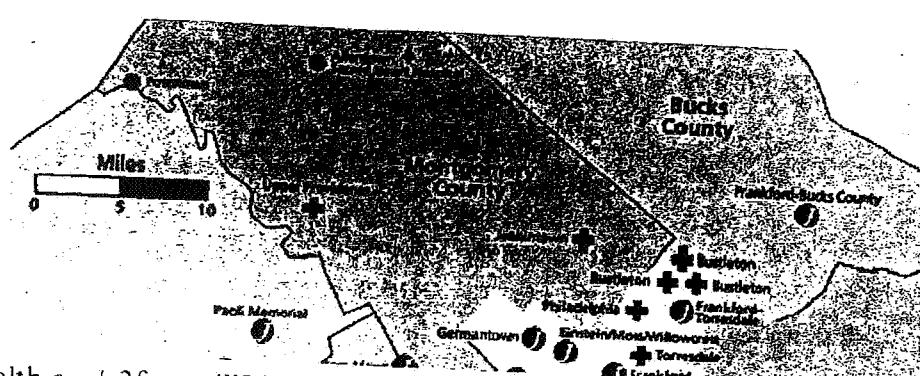
Thomas Jefferson University Hospital

Albert Einstein Healthcare Network

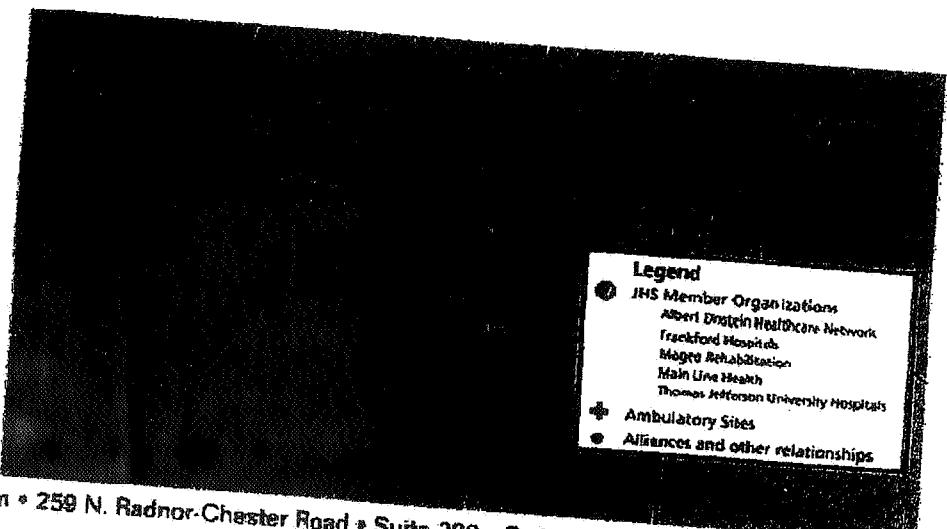
Frankford Hospitals

Magee Rehabilitation Hospital for Physical Rehab

Welcome to Main Line Health



CIRCUITS





State of Pennsylvania

Charter Number: 002935343
Reference Code: NLevin-Criswell

CHRISTIANA CARE HEALTH SYSTEM/JEFFERSON HEALTH SYSTEM ALLIANCE, LLC - As of: 02/12/2003
Address: 259 N RADNOR CHESTER RD, RADNOR PA 19087-5240
Address Type: CORPORATE ADDRESS

Status: ACTIVE

Filing Date: 04/06/2000

Terms:

Type:

Registered Agent:

FEIN:

Incorporation State: DE

OFFICERS AND DIRECTORS:

CHRISTIANA CARE HEALTH SYSTEM/JEFFERSON HEALTH SYSTEM ALLIANCE, LLC - As of: 02/12/2003
Officer: **CHRISTIANA CARE CORPORATION (MEMBER)**, CHEIF EXECUTIVE OFFICER, 501 W 14TH ST, WILMINGTON DE 19801-1013

Officer: **JEFFERSON HEALTH SYSTEM INC (MEMBER)**, VICE PRESIDENT, 501 W 14TH ST, WILMINGTON DE 19801-1013

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Reference Code:

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CORPORATIONS



Company Name - CHRISTIANA CARE HEALTH

SYSTEM/JEFFERSON HEALTH SYSTEM ALLIANCE, LLC

Address - 259 N RADNOR CHESTER RD, RADNOR PA 19087-5240

Address Type - CORPORATE ADDRESS

Charter Number - 002935343

State of Origin - PA

Record Date - 02/12/2003

Status - ACTIVE



Company Name - CHRISTIANA CARE HEALTH

SYSTEM/JEFFERSON HEALTH SYSTEM ALLIANCE, LLC

Address - 501 W 14TH ST, WILMINGTON DE 19801-1013

Address Type - CORPORATE ADDRESS

Charter Number - Z05785696

State of Origin - MD

Record Date - 09/15/2003

Status - ACTIVE



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content into Web pages and documents, without requiring developers to create new templates;

- A Web services layer that not only enables content authors to use their existing content creation tools, but also provides tight integration with external delivery systems such as portals, application servers and asset management systems;
- A configurable, engine-based architecture that facilitates the production and aggregation of content while minimizing the need for custom coding, providing enterprises with a "future-proof" content management foundation.

Overall, Rhythmyx addresses the content management challenge with a true enterprise solution that offers the lowest total cost of ownership.

"Jefferson Health System adds to our growing list of healthcare market leaders selecting Percussion as their content management vendor of choice," said Barry Reynolds, president and CEO of Percussion Software. "Overall, our Rhythmyx customers continue to validate our content management vision and tell us we're working on solving the real problems they've encountered using other systems."

About Jefferson Health System

The Jefferson Health System was formed through the merger of the Main Line Health System and Thomas Jefferson University Hospital, which was legally separated from Thomas Jefferson University in 1996. Albert Einstein Healthcare Network, Frankford Health Care System and Magee Rehabilitation became additional founding members of the system in 1998. JHS also now includes long-term care, behavioral health, a rehabilitation network, as well as physician and home-health services. Its strategic alliance partners include Riddle Memorial Hospital, Pottstown Memorial Medical Center, Underwood-Memorial Hospital and AtlanticCare in New Jersey and Christiana Care Health System in Delaware.

The Jefferson Health System grew from a concept to being the largest, most successful health system in the Delaware Valley with the greatest geographic coverage and market share. JHS brought together five significant provider networks into the region's only major not-for-profit health system operating as a decentralized model.

Percussion Software is a registered trademark and Rhythmyx, Active Assembly and Rhythmyx Content Model are trademarks of Percussion Software.

Contacts

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[top]

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Friday, June 25, 2004

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Christiana Care Corporation501 W. 14th St.
Wilmington, DE 19801 ([Map](#))Phone: 302-733-1900
Fax: 302-428-5770<http://www.christianacare.org>*Covered by Jay Koenig***Browse Company Record****Fact Sheet**

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Christiana Care's not-for-profit health care network serves patients in Delaware and surrounding areas of Pennsylvania, Maryland, and New Jersey. Founded in 1888, the company operates Wilmington Hospital and Christiana Hospital, which together have more than 1,100 beds. The hospitals provide heart services (including cardiac surgery and coronary angioplasty), cancer treatment, women's health services, physical medicine and rehabilitation, general medicine, and surgery. The system also offers two of its own managed care plans, Mid-Atlantic Health Plan and First State Health Plan for Medicaid patients. Christiana Care sponsors a residency program and forms partnerships with community hospitals in its region..

Key Numbers**Company Type**

Private - Not-for-Profit

D&B D-U-N-S NumberSubscribers Only **Fiscal Year-End**

June

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Key People**Chairman**

A. Keith Willard

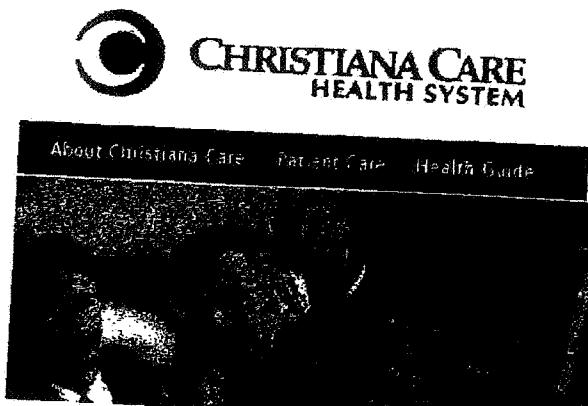
COO

Gary Ferguson

SVP and CFO

Buddy Elmore

More People
Industry Information Health Care Health Care Services



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[Hospital and Patient Care Addresses](#)

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[Main Phone Listing](#)

[Making a Gift](#)

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Mid-Atlantic Health Plan Provider Directory

Welcome to Mid-Atlantic Health Plan. This Provider Directory is designed to provide you with the information you need to get the full use of your health care benefits. By receiving your care through the Mid-Atlantic network, you take advantage of maximum program benefits, and minimize your out-of-pocket costs.

Depending upon your Mid-Atlantic Health Plan benefit program, you may have to select a Primary Care Physician (PCP) for you and each family member covered under your benefit plan. The Advantage, Select, Blue Hen and Caesar Rodney benefit plans require that you select a PCP to serve as your care manager. If you are enrolled in the Preferred plan, we encourage you to select a PCP, but it is not required. PCP specialties include doctors who practice Family Medicine, Internal Medicine and Pediatrics.

The Advantage, Select, Blue Hen and Caesar Rodney benefit plans require that you receive a referral from your PCP before seeking specialty care. Your PCP will refer you to specialty physicians and hospitals in the Mid-Atlantic Health Plan network.

In the Primary Care Physicians Section, physicians are categorized by primary care specialty - Family Practice, Internal Medicine and Pediatrics - within each geographical area and then listed alphabetically by name. If a physician is a member of a group practice, the name of the group practice is also listed.

In the Obstetricians/Gynecologists Section, physicians are listed alphabetically within each geographical area.

In the Behavioral Health Section, providers are categorized by behavioral health specialty - Psychiatry, Psychology, Social Workers, and Counselors - within each geographical area and then listed alphabetically by name. If you need behavioral health services, please call United Behavioral Health at (866) 607-3471.